

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 20, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of October 13, 2003, reported having done so, found same correct.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

APPLICATION OF CHIPOLTE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOLTE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 232 NORTH 13TH STREET;
MANAGER APPLICATION OF HEATHER DIANE QUITMEYER FOR CHIPOLTE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOLTE MEXICAN GRILL AT 232 NORTH 13TH STREET - John Boehm, 811 S. 13th St., representing Chipolte Mexican Grill and Heather Quitmeyer, 5330 New Castle Road, took oath and came forward to explain this business will be gourmet burritos and tacos. It plans to open in early November.

Ken Svoboda, Council Member, asked how late the business would be open.

Mr. Boehm stated it would be 10:00 or 11:00 p.m.

Mr. Svoboda asked if anyone has attended the Responsible Hospitality Council yet?

Ms. Quitmeyer stated that an application has been requested.

This matter was taken under advisement.

APPLICATION OF LINCOLN AIR HOST, INC. DBA AIR HOST RESTAURANT & LOUNGE TO TEMPORARILY CHANGE ITS PRESENTLY LICENSED AREA BEING 35' BY 296' ON THE SECOND FLOOR TO AN AREA 34' BY 27' IN THE DELI AND GIFT SHOP AT 2400 W. ADAMS STREET FOR A 4 TO 6 MONTH PERIOD BEGINNING THE FIRST WEEK OF JANUARY 2004 - LouAnna Bushing, 3040 Fletcher, took oath & came forward to request a temporary change to their present liquor license.

This matter was taken under advisement.

VACATING POTTER STREET BETWEEN 26TH AND 27TH STREETS - Ernie Castillo, Urban Development, stated this vacation is intended to provide more parking in the area. It will provide 70+ parking spaces, landscape and a safe access for the Salvation Army and Daycare Center. TIF will be the funding source. Discussion followed.

Renee Malone, 1408 N. 26th St., came forward in favor of.

This matter was taken under advisement.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 468.49 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH FOLSOM STREET - Steve Larson, 4401 S.W. 12th Street, member of the Yankee Hill Neighborhood Board, came forward in support of the Planning Commissions proposal, but in opposition to this proposal.

Brian Wills, Planning Department, explained the annexation is of the Regional Center and includes the area north of Van Dorn to Highway 77 interchange. Discussion followed.

Galen Young, no address given, came forward in opposition.

Jonathan Cook, Council Member, stated that with the Planning Commission proposal the City would annex one side of Folsom Street and would be responsible for the maintenance of Folsom Street. He asked why can't the city annex a portion of the Regional Center property and not go all the way to the street?

Dana Roper, City Attorney, stated that the state statute says if you are annexing the property for the very reasons stated you must take the street. They have precluded that as a possibility to do the annexation so you can take the land and have the tax benefit of the land, but put the maintenance of the streets onto somebody else.

Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., stated that there are no requirements to hook up to water. The property owners can continue well use if preferred. The State will pay the full cost of the water line plus 20% of the cost of the pump station. Discussion continued.

William Aycock, 634 W. Calvert Street, came forward in opposition. Florafae Schoen, 815 W. Stockwell, stated that she thought the Yankee Hill area residents paid city school taxes.

Al Blacketer, 835 W. Burnham, came forward in opposition.

Marvin Krout, Planning Director, came forward to confirm much of the information discussed. Discussion followed.

This matter was taken under advisement.

VACATING THE PUBLIC RIGHT-OF-WAY SURROUNDING THE NEW THEATER COMPLEX GENERALLY LOCATED FROM 11TH TO 12TH STREETS, BETWEEN P AND O STREETS, AND PORTION OF THE EAST-WEST ALLEY IN THE SAME BLOCK, AND RETAINING TITLE IN THE CITY OF LINCOLN FOR PURPOSES OF CONVEYING A REDEVELOPMENT EASEMENT IN CONNECTION WITH THE DOWNTOWN THEATER PROPERTY - Jeff Cole, Urban Development, came forward to explain this vacation concerns portions of right-of-way surrounding the building. Tied to this vacation request are easements which are necessary for Douglas Theaters to get title insurance for the property. Discussion followed.

Greg Czaplewski, Planning Department, the entire area being asked to vacate is the larger area of the alley, 183 feet.

Joel Pedersen, Ass't. City Attorney, stated that all financing and property transaction will close on November 1st. Any changes to the redevelopment agreement would be reviewed by the City Council in advance of the changes. The pedestrian use will still include the area underneath the canopies. He requested an amendment to the ordinance on page 2, line 17, after the word "The" east should be west and after the words "183.0 feet of the", west should be east. Discussion continued.

Mike Morrow, 201 N. 8th St., came forward representing Center Associates, Douglas Theater. He stated that the installations required are making the project much more expensive and the title insurance companies and the lenders are very picky so it's important for the approving of this vacation so they can proceed with the project.

This matter was taken under advisement.

APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MIDGET FOOTBALL FOR THE USE OF PARK PROPERTY WEST OF SHERMAN FIELD FOR A FOOTBALL FIELD COMPLEX - Steve Hiller, Ass't. Parks & Recreation Director came forward to confirm that this is a second long term agreement with Lincoln Midget Football for the property west of Sherman Field.

This matter was taken under advisement.

APPROVING A PHARMACEUTICAL CACHE AGREEMENT BETWEEN THE CITY FOR METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) AND MCKESSON CORPORATION AND KEN'S PHARMACY TO ALLOW THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT TO MAINTAIN A STOCKPILE OF ANTIBIOTICS FOR USE IN AN EMERGENCY - Dan Hughs, Health Department, explained that this is a five year agreement and this agreement is the first of it's kind in the United States. The purpose is to rotate out the stockpile of antibiotics.

John Camp, Council Member, asked if the pharmacy would take back the expired or nearly expired antibiotics which would help mitigate the cost to maintain this emergency supply?

Mr. Hughs answered yes.

Ed Patterson, 2108 Q Street commented on this program.

This matter was taken under advisement.

REAPPOINTING W. CECIL STEWARD TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009 - Jim Johnson, 1201 Berkshire Court #36, came forward in favor of.

This matter was taken under advisement.

APPOINTING JENNIFER J. BRINKMAN AND LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR SIX-YEAR TERMS EXPIRING AUGUST 24, 2009 - Carol Brown, 2201 Elba Circle, came forward in favor of.

Jim Johnson, came forward in favor of.

Mike Morosin, 2055 S St., came forward in opposition.

Glen Cekal, 1420 C St., expressed his opinion of there being too much politics in these appointments.

Ed Patterson, 2108 Q Street, commented that too many cannot rise above the bureaucracy. Discussion followed.

Jonathan Cook, Council Member made a motion to delay action of Bill No. 03R-286 and 03R-287 for two weeks to 11/3/03. Discussion followed.

Terry Werner, Council Member, appealed the motion to rule him out of order.

Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp. Discussion continued.

Glenn Friendt, Council Member, called for a division of the question #13. Discussion followed.

Dana Roper, City Attorney, stated the division has occurred so now a vote of Mr. Cook's motion to delay action for two weeks needs to be taken.

Annette McRoy, Council Member, called the question.

AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

Mr. Cook changed his motion to vote on 03R-286, 03R-287A, and 03R-287B separately for a delay of two weeks to 11/03/03.

Seconded by Newman and carried by the following vote: AYES: Cook, McRoy, Newman, Werner; NAYS: Camp, Friendt, Svoboda.

This matter was taken under advisement.

SPECIAL PERMIT 2032 - APPLICATION OF THN, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2535 O STREET;

SPECIAL PERMIT 2033 - APPLICATION OF THN, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF CAFÉ DE MAI AND SEASON BANQUET HALL ON PROPERTY GENERALLY LOCATED AT 2535 O STREET - John Boehm, 811 S. 13th Street, came forward representing THN, LLC and Tim Nguyen, owner of THN, LLC. He explained this is going to be a market & grocery store, restaurant and banquet facility. A beauty salon, video store, and insurance store are also proposed in this facility.

Mike Morosin, 2055 S St., expressed his concern of the liquor off-sale at this facility with it being so close to Center Pointe and Matt Talbot. He opposes the off-sale proposal.

Ed Patterson 2108 Q Street, stated he thought this would be an asset to the neighborhood, but was in favor of holding down the number of liquor licenses.

Glen Cekal, 1420 C St., he was in opposition. Discussion followed.

Mr. Boehm stated there is no outside access to this portion of the facility.

This matter was taken under advisement.

SPECIAL PERMIT 1939B - APPLICATION OF NEBRASKA HEART HOSPITAL L.L.C. TO REVISE THE PARKING LOT LAYOUT, TO ADD PARKING SPACES, AND TO ADD 33,500 SQUARE FEET OF MEDICAL OFFICE SPACE, OF THE NEBRASKA HEART HOSPITAL SPECIAL PERMIT, INCLUDING A WAIVER OF THE MAXIMUM BUILDING HEIGHT FROM 35' TO 44' IN THE R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 91ST STREET AND HERITAGE LAKES DRIVE - Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Nebraska Heart Hospital LLC. A lot of the space occupied in this building is for training facilities for personnel already on site. The parking could have been reduced.

DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, #350, came forward representing Andermatt LLC and Eiger Corp. who are in support of the resolution. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1960 - APPLICATION OF OLSSON ASSOCIATES ON BEHALF OF THE PROPERTY OWNERS TO DEVELOP GRANDVIEW HEIGHTS COMMUNITY UNIT PLAN CONSISTING OF 52 DWELLING UNITS, WITH A WAIVER TO ELIMINATE THE RECREATION COMPONENT, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-293);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF GRANDVIEW HEIGHTS TO DEVELOP 52 LOTS INCLUDING WAIVERS OF THE REQUIRED SIDE LINES AT RIGHT ANGLES TO THE STREET OR RADIAL, SANITARY SEWERS TO FOLLOW THE HORIZONTAL ALIGNMENT OF THE ROADWAY, STREET LIGHT INTERVALS TO ALLOW 55' SPACING, SIDEWALKS ON BOTH SIDES OF STREETS, STREET PAVING TO ALLOW RURAL ROAD CROSS SECTION AND DITCHES, LOCATION OF WATER AND SANITARY SEWER MAINS IN RELATION TO CENTERLINE, STORM WATER, SANITARY SEWER TRANSFER, BLOCK LENGTHS THAT EXCEED 1320', PEDESTRIAN ACCESS IN BLOCK LENGTHS GREATER THAN 1000 FEET, MAXIMUM LENGTH OF DEAD END STREETS AND CUL-DE-SACS, URBAN STREET TANGENT LENGTHS, LOT DEPTH TO WIDTH RATIO, STREET TREES, INTERSECTION PLATFORMS, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-292) - Mark Palmer, Olsson Assocs., 1111 Lincoln Mall, requested a week's delay to work things out.

Mr. Cook made a motion to continue public hearing & action for one week to 10/27/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF DON W. TAUTE AS PERSONNEL DIRECTOR EFFECTIVE OCTOBER 20, 2003 - Don Taute, Ass't. City Attorney, came forward to accept the appointment. Comments followed.

This matter was taken under advisement.

APPEAL DENIAL OF REQUEST FOR CATEGORICAL EXEMPTION FROM IMPACT FEES SUBMITTED BY PETER KATT ON BEHALF OF MARY JO LIVINGSTON AND MOUNT OLIVE EVANGELICAL CHURCH. (9/15/03 - APPROVED HEARING DATE OF 10/6/03 AT 1:30 P.M., 7-0. 9/22/03 - RE-SET HEARING DATE TO 10/20/03 (APPLICANT HAS REQUESTED TO PLACE ON PENDING) - CITY CLERK stated the applicant has requested this item be placed on Pending.

This matter was taken under advisement.

APPEAL OF DENIAL OF A PEDDLER PERMIT TO TOM E. NOOTZ BY THE POLICE DEPARTMENT - CITY CLERK stated that Mr. Nootz is unable to attend today so has requested that this be continued to November 3, 2003.

This matter was taken under advisement.

TOOK BREAK 4:45 P.M.

RECONVENED 4:58 P.M.

MISCELLANEOUS BUSINESS

Carol Brown, 2201 Elba Circle, expressed her concern of how the Angelou Study has been interpreted by the business community. She feels it should be inclusive of all kinds of ideas and all kinds people from all different ranges of the city. Neighborhoods are for smart growth and feel they should be involved in the economic growth of the city and what happens in their neighborhoods. She suggested that the bios of appointment nominations be placed on the City-County website. Discussion followed.

Ed Patterson, 2108 Q Street, stated the City Real Estate Dept. has never explained to them how the house relocation might work for those who may consider it. He received a letter threatening to throw everything into condemnation which he will present to the City Attorney.

Mike Morosin, 2055 S St., came forward to say that a site plan still has not been brought forward to this neighborhood. The people want to relocate in the neighborhood, but were never told of land that was available.

Mr. Werner suggested that Mr. Morosin register with the City Clerk so Mr. Teten can be available to respond to his concerns.

Glen Cekal, 1420 C St., suggested that the people who attend the City Council Meetings be given a card to put on their cars to allow them to park longer than two hours if necessary.

Mr. Friendt suggested to Mr. Morosin and Mr. Patterson to contact ACLU or Appleseed Center who help protect liberty and justice for all if they feel that the city is flexing their muscles beyond their powers in the relocation or buying of their homes for the Antelope Valley Project.

These matter were taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF KKR ENTERPRISES, INC. DBA LANCASTER'S FOR A CLASS C LIQUOR LICENSE AT 3800 OLD CHENEY ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82401 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of KKK Enterprises, Inc. dba Lancaster's for a Class "C" liquor license at 3800 Old Cheney Road, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Werner & carried by the following vote: AYES: Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp, Cook.

MANAGER APPLICATION OF KARLA KRISTINE RUSSELL FOR KKR ENTERPRISES, INC. DBA LANCASTER'S AT 3800 OLD CHENEY ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82402 WHEREAS, KKR Enterprises, Inc. dba Lancaster's located at 3800 Old Cheney Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Karla Kristine Russell be named manager;

WHEREAS, Karla Kristine Russell appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Karla Kristine Russell be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF CHIPOLTE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOLTE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 232 NORTH 13TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82403 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Chipolte Mexican Grill of Colorado, LLC dba Chipolte Mexican Grill for a Class "I" liquor license at 232 North 13th Street, Lincoln, Nebraska, for the license period ending April 30, 2004, be

approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REGULAR MEETING
OCTOBER 20, 2003
PAGE 534

MANAGER APPLICATION OF HEATHER DIANE QUITMEYER FOR CHIPOLTE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOLTE MEXICAN GRILL AT 232 NORTH 13TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82404 WHEREAS, Chipolte Mexican Grill of Colorado, LLC dba Chipolte Mexican Grill located at 232 North 13th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Heather Diane Quitmeyer be named manager;

WHEREAS, Heather Diane Quitmeyer appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Heather Diane Quitmeyer be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF THE DUGOUT, INC. DBA THE DUGOUT SPORTS RESTAURANT FOR A LIQUOR CATERING LICENSE AT 311 N. 8TH STREET, SUITE 1 - PRIOR to reading:

FRIENDT Moved to continue public hearing & action for two weeks to 11/3/03.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF LINCOLN AIR HOST, INC. DBA AIR HOST RESTAURANT & LOUNGE TO TEMPORARILY CHANGE ITS PRESENTLY LICENSED AREA BEING 35' BY 296' ON THE SECOND FLOOR TO AN AREA 34' BY 27' IN THE DELI AND GIFT SHOP AT 2400 W. ADAMS STREET FOR A 4 TO 6 MONTH PERIOD BEGINNING THE FIRST WEEK OF JANUARY 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82405 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Air Host, Inc. dba Air Host Restaurant & Lounge to temporarily change its presently licensed premise and existing Class "C" liquor license from 35' by 296' on the second floor to 34' by 27' in the deli and gift shop area at 2400 W. Adams Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

VACATING POTTER STREET BETWEEN 26TH AND 27TH STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, vacating Potter Street between 26th and 27th Streets, the second time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 468.49 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH FOLSOM STREET - CLERK read the following ordinance, introduced by Ken Svoboda, amending the Lincoln Corporate limits map by annexing approximately 468.49 acres of property generally located at West Van Dorn Street and South Folsom Street, the second time.

VACATING THE PUBLIC RIGHT-OF-WAY SURROUNDING THE NEW THEATER COMPLEX GENERALLY LOCATED FROM 11TH TO 12TH STREETS, BETWEEN P AND O STREETS, AND PORTION OF THE EAST-WEST ALLEY IN THE SAME BLOCK, AND RETAINING TITLE IN THE

CITY OF LINCOLN FOR PURPOSES OF CONVEYING A REDEVELOPMENT EASEMENT IN CONNECTION WITH THE DOWNTOWN THEATER PROPERTY - CLERK read the following ordinance, introduced by Ken Svoboda, vacating the public right-of-way surrounding the new theater complex generally located from 11th to 12th streets, between P and O Streets, and portion of the East-West Alley in the same block, and retaining title in the City of Lincoln for purposes of conveying a redevelopment easement in connection with the downtown theater property, the second time.

APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MIDGET FOOTBALL FOR THE USE OF PARK PROPERTY WEST OF SHERMAN FIELD FOR A FOOTBALL FIELD COMPLEX - CLERK read the following ordinance, introduced by Ken Svoboda, approving a 15-year lease agreement between the city and Lincoln Midget Football for the use of park property west of Sherman Field for a football field complex, the second time.

RESOLUTIONS

APPROVING A PHARMACEUTICAL CACHE AGREEMENT BETWEEN THE CITY FOR METROPOLITAN MEDICAL RESPONSE SYSTEM (MMRS) AND MCKESSON CORPORATION AND KEN'S PHARMACY TO ALLOW THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT TO MAINTAIN A STOCKPILE OF ANTIBIOTICS FOR USE IN AN EMERGENCY - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82406 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Pharmaceutical Cache Agreement between the City of Lincoln for the Metropolitan Medical Response System (MMRS) and McKesson Corporation and Ken's Pharmacy to develop a MMRS Pharmaceutical Cache within the City of Lincoln to make certain pharmaceuticals available in the event of a public health emergency and to provide for the exchange of such pharmaceuticals prior to their expiration dates, for one five-year period, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Pharmaceutical Cache Agreement on behalf of the City.

Introduced by Terry Werner

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REAPPOINTING W. CECIL STEWARD TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009 - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-286 for two weeks to 11/3/03.

Seconded by Newman & carried by the following vote: AYES: Cook, McRoy, Newman, Werner; NAYS: Camp, Friendt, Svoboda.

APPOINTING JENNIFER J. BRINKMAN AND LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR SIX-YEAR TERMS EXPIRING AUGUST 24, 2009 - PRIOR to reading:

COOK Moved to split Bill No. 03R-287 into two separate resolutions and to delay action for two weeks to 11/3/03.

Seconded by Newman & carried by the following vote: AYES: Cook, McRoy, Newman, Werner; NAYS: Camp, Friendt, Svoboda.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE HARVEST PROJECT CONTRACT TO PROVIDE TREATMENT FOR MENTAL HEALTH, SUBSTANCE ABUSE, AND AGING SERVICE TO ELDERLY RESIDENTS OF LANCASTER COUNTY - PRIOR to reading:

COOK Moved to continue public hearing & delay action on Bill No. 03R-288 for one week to 10/27/03.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2032 - APPLICATION OF THN, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2535 O STREET - CLERK read the following

resolution, introduced by Terry Werner, who moved its adoption:
A-82407 WHEREAS, THN, L.L.C. has submitted an application designated as Special Permit No. 2032 for authority to sell alcoholic beverages for consumption off the premises at Oasian International Market, 2535 O Street, legally described as:

Lots 1, 2, and 3, Block 2, Block 2, J.O. Youngs East Lincoln, Lincoln, and the east 137.5 feet of the east-west alley lying between N Street and O Street from the west right-of-way line of vacated 26th Street to the east right-of-way line of 25th Street in Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of THN, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. Before receiving building permits:
 - a. The Permittee must submit a revised final plan and five copies.
 - b. The construction plans must conform to the approved plans.
3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.
4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2033 - APPLICATION OF THN, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF CAFÉ DE MAI AND SEASON BANQUET HALL ON PROPERTY GENERALLY LOCATED AT 2535 O STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82408 WHEREAS, THN, L.L.C. has submitted an application designated as Special Permit No. 2032 for authority to sell alcoholic beverages for consumption on the premises at Café de Mai and Season Banquet Hall, 2535 O Street, legally described as:

Lots 1, 2, and 3, Block 2, Block 2, J.O. Youngs East Lincoln, Lincoln, and the east 137.5 feet of the east-west alley lying between N Street and O Street from the west right-of-way line of vacated 26th Street to the east right-of-way line of 25th Street in Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions

hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of THN, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. Before receiving building permits:
 - a. The Permittee must submit a revised final plan and five copies.
 - b. The construction plans must conform to the approved plans.
3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.
4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1939B - APPLICATION OF NEBRASKA HEART HOSPITAL L.L.C. TO REVISE THE PARKING LOT LAYOUT, TO ADD PARKING SPACES, AND TO ADD 33,500 SQUARE FEET OF MEDICAL OFFICE SPACE, OF THE NEBRASKA HEART HOSPITAL SPECIAL PERMIT, INCLUDING A WAIVER OF THE MAXIMUM BUILDING HEIGHT FROM 35' TO 44' IN THE R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 91ST STREET AND HERITAGE LAKES DRIVE - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82409 WHEREAS, Nebraska Heart Institute, P.C. has submitted an application designated as Special Permit No. 1939B for authority to revise the parking layout, to add parking spaces, to add 33,500 square feet of medical office space, and to increase the maximum building height from 35' to 44' in the R-3 Residential District, on property located at S. 91st Street and the proposed Heritage Lakes Drive, and legally described to wit:

Lot 1, Nebraska Heart Hospital Addition, Lincoln,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this change in the parking layout, additional parking spaces, and increase in medical office area of the special permit will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Nebraska Heart Institute, P.C., hereinafter referred to as "Permittee", to revise the parking layout, to add parking spaces, and to add 33,500 square feet of medical office space, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said

hospital and medical office building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 80 beds in 95,000 square feet of hospital floor area and 63,500 square feet of medical office floor area.
2. The maximum building height requirement is hereby waived to allow a building height adjustment from 35 feet to 44 feet in the R-3 Residential District.
3. Any application for further expansion, except for 12 accessory multi-family dwelling units for temporary lodging of family and hospital visitors, must be accompanied by a traffic study which identifies any impact on the street network and by a plan to mitigate said impacts.
4. Before receiving building permits:
 - a. The Permittee shall have submitted a revised and reproducible final plan including five copies.
 - b. The operation and the premises must conform to all applicable state and federal requirements.
 - c. The construction plans must conform to the approved plans.
 - d. Parking lot screening must be shown.
 - e. Revise the site plan to add a note stating: This special permit is located within a residential district and does not affect the "P.M. Peak Hour Net Commercial Vehicle Trips" cap set forth in the Conditional Annexation and Zoning Agreement for S. 84th and Highway 2.
5. Before occupying the additional 33,500 square feet of medical office space allowed by this permit all development and construction must conform to the approved plans.
6. All privately-owned improvements shall be permanently maintained by the owner.
7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Terry Werner

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1960 - APPLICATION OF OLSSON ASSOCIATES ON BEHALF OF THE PROPERTY OWNERS TO DEVELOP GRANDVIEW HEIGHTS COMMUNITY UNIT PLAN CONSISTING OF 52 DWELLING UNITS, WITH A WAIVER TO ELIMINATE THE RECREATION COMPONENT, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-293) - PRIOR to reading:

COOK Moved to continue public hearing and delay action on Bill No. 03R-292 for one week to 10/27/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF GRANDVIEW HEIGHTS TO DEVELOP 52 LOTS INCLUDING WAIVERS OF THE REQUIRED SIDE LINES AT RIGHT ANGLES TO THE STREET OR RADIAL, SANITARY SEWERS TO FOLLOW THE HORIZONTAL ALIGNMENT OF THE ROADWAY, STREET LIGHT INTERVALS TO ALLOW 55' SPACING, SIDEWALKS ON BOTH SIDES OF STREETS, STREET PAVING TO ALLOW RURAL ROAD CROSS SECTION AND DITCHES, LOCATION OF WATER AND SANITARY SEWER MAINS IN RELATION TO CENTERLINE, STORM WATER, SANITARY SEWER TRANSFER, BLOCK

LENGTHS THAT EXCEED 1320', PEDESTRIAN ACCESS IN BLOCK LENGTHS GREATER THAN 1000 FEET, MAXIMUM LENGTH OF DEAD END STREETS AND CUL-DE-SACS, URBAN STREET TANGENT LENGTHS, LOT DEPTH TO WIDTH RATIO, STREET TREES, INTERSECTION PLATFORMS, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-292) - PRIOR to reading:

COOK Moved to continue public hearing and delay action on Bill No. 03R-292 for one week to 10/27/03.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE APPOINTMENT OF DON W. TAUTE AS PERSONNEL DIRECTOR EFFECTIVE OCTOBER 20, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82410 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Don W. Taute to the position of Director of the Lincoln-Lancaster County Personnel Department effective October 20, 2003, is hereby approved.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 3, 2003 AT 1:30 P.M. FOR THE APP. OF DARRIN SALAZAR AND STEVEN FESTNER DBA "LORENZO'S" FOR A CLASS "I" LIQUOR LICENSE AT 500 WEST GATE BLVD. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82411 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of Darrin Salazar and Steven Festner dba "Lorenzo's for a Class "I" liquor license at 500 West Gate Blvd.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Terry Werner

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 3, 2003 AT 1:30 P.M. FOR APP. OF LINCOLN STEAK COMPANY LLC DBA "WHISKEY CREEK STEAKHOUSE" FOR A CLASS "C" LIQUOR LICENSE LOCATED AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82412 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10th Street, Lincoln, NE, for the App. of Lincoln Steak Company LLC dba "Whiskey Creek Steakhouse" for a Class I liquor license at 3000 Pine Lake Road.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Terry Werner

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

APPEAL DENIAL OF REQUEST FOR CATEGORICAL EXEMPTION FROM IMPACT FEES SUBMITTED BY PETER KATT ON BEHALF OF MARY JO LIVINGSTON AND MOUNT OLIVE EVANGELICAL CHURCH. (9/15/03 - APPROVED HEARING DATE OF 10/6/03 AT 1:30 P.M , 7-0. 9/22/03 - RE-SET HEARING DATE TO 10/20/03 - CLERK stated the applicant has requested this appeal be placed on Pending.

COOK So moved.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**REGULAR MEETING
OCTOBER 20, 2003
PAGE 540**

APPEAL OF DENIAL OF A PEDDLER PERMIT TO TOM E. NOOTZ BY THE POLICE DEPARTMENT
- CLERK stated Mr. Nootz had requested this appeal be delayed to 11/3/03.

FRIENDT So moved.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF SEPTEMBER, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPLICATION OF FRIENDS OF LIED, 301 N. 12TH STREET, TO CONDUCT A RAFFLE WITHIN THE CITY - CLERK requested a motion to set the hearing date of Monday, Oct. 27, 2003 at 5:30 p.m.

SVOBODA So moved.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone 3399 - App. of Director of Planning, Director of Public Works & Utilities and Director of Parks and Recreation to amend Ord. 18113 relating to impact fees by amending Section 6 adding a new Section 27.82.060 (Exemption from Impact Fees).

Use Permit 146A - App. of Mark Palmer, Olsson Assoc. for Carl Sjulín, owner of West Gate Bank for an amendment to allow a retaining wall sign.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 13, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY AND DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 3, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE PURCHASE AND CONSUMPTION OF ALCOHOL ON THE CITY'S FOUR 18-HOLE GOLF COURSES - CLERK read an ordinance, introduced by Terry Werner, amending Section 12.08.270 of the Lincoln Municipal Code relating to alcoholic liquor in public parks to allow for the purchase and consumption of alcohol in the outdoor areas of the City's 18-hole golf courses; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 17.02 OF THE LMC RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.02 of the Lincoln Municipal Code relating to Definitions applying to Title 17, Water, be revising, deleting, and adding definitions; and repealing Sections 17.02.030, 17.02.070, 17.02.110, 17.02.120, 17.02.130, 17.02.250, 17.02.290, 17.02.300, 17.02.310, and 17.02.380 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 17.06 OF THE LMC RELATING TO THE LINCOLN WATER SYSTEM BY AMENDING SECTION 17.06.020 TO CLARIFY THAT PUBLIC WATER MAINS SHALL BE INSTALLED UNDER THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND AMENDING SECTION 17.06.030 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICES" TO "BACKFLOW PREVENTION ASSEMBLIES" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.06 of the Lincoln Municipal Code relating to the Lincoln Water System by amending Section 17.06.020 to clarify that public water mains shall be installed under the direction of the Department of Public Works and Utilities; amending Section 17.06.030 to change a reference to "backflow prevention devices" to "backflow prevention assemblies"; and repealing Sections 17.06.020 and 17.06.030 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 17.10 OF THE LMC RELATING TO CONNECTIONS TO LINCOLN WATER SYSTEM BY AMENDING SECTION 17.10.010 TO ALLOW ONLY PERSONS REGISTERED WITH THE DEPARTMENT OF BUILDING AND SAFETY AS A MASTER PLUMBER, JOURNEYMAN PLUMBER OR PLUMBER'S APPRENTICE TO INSTALL, ALTER, OR REPAIR ANY WATER SUPPLY OR WATER SERVICE PIPE OR TO INSTALL OR REMOVE WATER METERS AND BACKFLOW PREVENTION ASSEMBLIES; AMENDING SECTION 17.10.030 TO DECREASE THE NUMBER OF DAYS FOR THE ISSUANCE OR DENIAL OF A PERMIT FROM 30 DAYS TO 15 WORKING DAYS AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.070 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND TO MAKE IT UNLAWFUL FOR ANY PERSON TO USE OR TAKE WATER FROM NEW SERVICE CONNECTIONS WITHOUT A WATER METER APPROVED BY THE LINCOLN WATER SYSTEM CONNECTED TO THE WATER SERVICE PIPING; AMENDING SECTION 17.10.080 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.090 TO DELETE THE REQUIREMENT THAT A PERMIT FOR EXTENDING SERVICE BE A WRITTEN PERMIT; AMENDING SECTION 17.10.100 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AND AMENDING SECTION 17.10.120 TO AMEND ABANDONMENT OF SERVICES TO INCLUDE THE PROPER REMOVAL OF TAPS, TO PROVIDE THAT THE REQUIRED BOND BE A CASH BOND OR A BOND WRITTEN BY A CORPORATE SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF NEBRASKA, FOR THE PERFORMANCE OF SUCH WORK - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.10 of the LMC relating to Connections to Lincoln Water System by amending Section 17.10.010 to allow only persons registered with the Department of Building and Safety as a master plumber, journeyman plumber or plumber's apprentice to install, alter, or repair any water supply or water service pipe or to install or remove water meters and backflow prevention assemblies; amending Section 17.10.030 to decrease the number of days for the issuance or denial of a permit from 30 days to 15 working days and to change a reference to "backflow prevention device" to "backflow prevention device" to "backflow prevention assembly" and to make it unlawful for any person to use or take water from new service connections without a water meter approved by the Lincoln Water System connected to the water service piping; amending Section 17.10.080 to change references to "backflow prevention device" to "backflow prevention assembly"; amending Section 17.10.090 to delete the requirement that a permit for extending service be a written permit; amending Section 17.10.100 to change a reference to "backflow prevention device" to "backflow prevention assembly"; and amending Section 17.10.120 to amend abandonment of services to include the proper removal of taps, to provide that the required bond be a cash bond or a bond written by a corporate surety company authorized to do business in the State of Nebraska, for the performance of such work, the first time.

AMENDING SECTION 17.14.030 OF THE LMC RELATING TO WATER CONNECTIONS OUTSIDE THE CITY TO REQUIRE THE APPLICANT FOR SUCH CONNECTION TO CONSTRUCT AND MAINTAIN A METER AND BACKFLOW PREVENTION ASSEMBLY WITHIN A STRUCTURE OR BUILDING CAPABLE OF PREVENTING THE METER AND/OR BACKFLOW PREVENTION ASSEMBLY FROM FREEZING - CLERK read an ordinance, introduced by Terry Werner, amending 17.14.030 of the LMC relating to Water Connections Outside the City to require the applicant for such connection to construct and maintain a meter and backflow prevention assembly within a structure or building capable of preventing the meter and/or backflow prevention assembly from freezing; and repealing Section 17.14.030 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 17.18 OF THE LMC RELATING TO WATER MAINS, PIPES AND VALVES BY AMENDING SECTION 17.18.005 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; ADDING A NEW SECTION NUMBERED 17.18.006 TO PROVIDE FOR THE PUBLICATION OF A WATER SERVICE MANUAL; AMENDING SECTION 17.18.010 TO REQUIRE ALL PERMITS FOR TAPPING ANY WATER MAIN BE SECURED AND PAID FOR PRIOR TO MAKING SUCH TAP; AMENDING SECTION 17.18.020 TO ESTABLISH MINIMUM SIZES FOR NEW AND REPLACEMENT WATER SUPPLY PIPES AND TO PROVIDE THAT SERVICE PIPE REDUCERS WILL BE SUPPLIED BY THE LINCOLN WATER SYSTEM; AMENDING SECTION 17.18.030 TO ADDRESS MATERIALS AND CONSTRUCTION REQUIREMENTS OF WATER SUPPLY OR WATER SERVICE PIPES; AMENDING SECTION 17.18.050 TO REQUIRE THAT CURB STOPS BE SUPPLIED BY A REGISTERED MASTER PLUMBER AND TO CLARIFY THAT CURB STOPS SHALL BE PLACED IN THE PUBLIC RIGHT-OF-WAY BETWEEN THE SIDEWALK AND THE CURB OF A

PUBLIC STREET; AMENDING SECTION 17.18.060 REGARDING METER INSTALLATION; ADDING A NEW SECTION NUMBERED 17.18.075 REGARDING BACKFLOW PREVENTION ASSEMBLY INSTALLATION; AMENDING SECTION 17.18.080 TO INCLUDE CROSS CONNECTION CONTROL PROVISIONS; AMENDING SECTION 17.18.100 TO ALLOW THE DIRECTOR TO DISCONTINUE WATER SERVICE WHEN A CUSTOMER WILL NOT ALLOW LINCOLN WATER SYSTEM PERSONNEL ACCESS TO A WATER METER IN NEED OF MAINTENANCE, REPLACEMENT, A CHECK FOR ACCURACY, OR WHEN TAMPERING HAS OCCURRED; AMENDING SECTION 17.18.110 TO CLARIFY LANGUAGE REGARDING KEEPING EQUIPMENT IN REPAIR; AMENDING SECTION 17.18.130 TO PROVIDE THAT A PREMISE MAY BE SUPPLIED BY MORE THAN ONE SUPPLY AND SERVICE PIPE WITH THE APPROVAL OF THE DIRECTOR; AMENDING SECTION 17.18.140 TO PROVIDE THAT ALL EXCAVATIONS SHALL BE MADE IN COMPLIANCE WITH MUNICIPAL, STATE AND FEDERAL REGULATIONS; AND AMENDING SECTION 17.18.160 TO ALLOW THE LINCOLN WATER SYSTEM TO MAKE A NECESSARY EXCAVATION TO DETERMINE THE LOCATION OF A LEAK OF A CUSTOMER SUPPLY PIPE OR WATER STOP BOX WHEN THE OWNER OF THE PREMISES CHOOSES NOT TO DO SO - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.18 of the LMC relating to water mains, pipes and valves by amending Section 17.18.005 to change references to "backflow prevention device" to "backflow prevention assembly"; adding a new section numbered 17.18.006 to provide for the publication of a Water Service Manual; amending Section 17.18.010 to require all permits for tapping any water main be secured and paid for prior to making such tap; amending Section 17.18.020 to establish minimum sizes for new and replacement water supply pipes and to provide that service pipe reducers will be supplied by the Lincoln Water System; amending Section 17.18.030 to address materials and construction requirements of water supply or water service pipes; amending Section 17.18.050 to require that curb stops be supplied by a registered master plumber and to clarify that curb stops shall be placed in the public right-of-way between the sidewalk and the curb of a public street; amending Section 17.18.060 regarding meter installation; adding a new section numbered 17.18.075 regarding backflow prevention assembly installation; amending Section 17.18.080 to include cross connection control provisions; amending Section 17.18.100 to allow the director to discontinue water service when a customer will not allow Lincoln Water System personnel access to a water meter in need of maintenance, replacement, a check for accuracy, or when tampering has occurred; amending Section 17.18.110 to clarify language regarding keeping equipment in repair; amending Section 17.18.130 to provide that a premise may be supplied by more than one supply and service pipe with the approval of the director; amending Section 17.18.140 to provide that all excavations shall be made in compliance with municipal, state and federal regulations; and amending Section 17.18.160 to allow the Lincoln Water System to make a necessary excavation to determine the location of a leak of a customer supply pipe or water stop box when the owner of the premises chooses not to do so, the first time.

AMENDING CHAPTER 17.22 OF THE LMC RELATING TO WATER USE CHARGE BY AMENDING SECTION 17.22.030 TO CLARIFY LANGUAGE AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND AMENDING SECTION 17.22.120 TO CLARIFY THAT PRIOR PERMISSION FROM THE DIRECTOR IS NEEDED TO TURN ON WATER THAT HAS BEEN SHUT OFF PURSUANT TO CHAPTER 17.22 - CLERK read an ordinance amending Chapter 17.22 of the Lincoln Municipal Code relating to Water Use Charge by amending Section 17.22.030 to clarify language and to change a reference to "backflow prevention device" to "backflow prevention assembly"; amending Section 17.22.120 to clarify that prior permission from the Director is needed to turn on water that has been shut off pursuant to Chapter 17.22; and repealing Sections 17.22.030 and 17.22.120 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 17.26.030 OF THE LMC RELATING TO TURNING OFF WATER FOR FAILURE TO OBSERVE RESTRICTIONS TO DELETE THE REQUIREMENT THAT A \$100 BOND CONDITIONED UPON THE OBSERVANCE OF EMERGENCY RESTRICTIONS AND REGULATIONS BE FILED WITH THE LINCOLN WATER SYSTEM BEFORE THE WATER SUPPLY IS TURNED ON AFTER IT HAS BEEN TURNED OFF FOR DISREGARDING EMERGENCY WATER RESTRICTIONS AMENDING CHAPTER 17.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS - CLERK read an ordinance, introduced by Terry Werner, amending Section 17.26.030 of the Lincoln Municipal Code relating to Turning Off Water for Failure to Observe Restrictions to delete the requirement that a \$100 bond conditioned upon the observance of emergency restrictions and regulations be filed with

the Lincoln Water System before the water supply is turned on after it has been turned off for disregarding emergency water restrictions: and repealing Section 17.26.030 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3408 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK AND B-2 PLANNED NEIGHBORHOOD BUSINESS TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-299, 03R-300) - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3409 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-301) - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3410 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW INC. TO AMEND SECTION 27.63.470 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CAR AND TRUCK WASHING FACILITIES AS PART OF A SPECIAL PERMIT IN THE H-4 GENERAL COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Terry Werner, amending Section 27.63.470 of the Lincoln Municipal Code to allow an automobile wash facility and truck wash facility as an allowed use in a planned service commercial development by special permit in the H-4 General Commercial District; and repealing Section 27.63.470 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING

AMENDING SECTION 26.33.020 OF THE LINCOLN MUNICIPAL CODE TO INCLUDE A MAXIMUM UNIT FEE OF \$2,000 FOR APPLICATIONS FOR FINAL PLATS - CLERK read an ordinance, introduced by Patte Newman, amending Section 26.33.020 of the Lincoln Municipal Code to include a maximum unit fee of \$2,000 for applications for final plats and repealing Section 26.33.020 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18255**, is recorded in Ordinance Book 25, Page

VACATING THE SOUTH 155' OF S.W. 32ND STREET, GENERALLY LOCATED BETWEEN WEST O STREET AND THE BNSF RAILROAD LINES SOUTH OF WEST O STREET - CLERK read an ordinance, introduced by Patte Newman, vacating the south 155 feet of S.W. 32nd Street, generally located between West O Street and the BNSF Railroad lines south of West O Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

NEWMAN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18256**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

**REGULAR MEETING
OCTOBER 20, 2003
PAGE 544**

PENDING -

SVOBODA Moved to extend the Pending List to October 27, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp,
 Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on
 October 27, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp,
 Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

ADJOURNMENT 5:40 P.M.

SVOBODA Moved to adjourn the City Council meeting of October 20, 2003.
 Seconded by Werner & carried by the following vote: AYES: Camp,
 Cook, Friendt, Newman, Svoboda, Werner; NAYS: None; ABSENT: McRoy.
 So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant